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SH 2487204

EXHIBITS

A One (1) DVD Containing Homicide Casebook #019-09054-0285-013 by Sergeant Jaramilla and Sergeant Quintero.

B Photographed copy of CLETS DMV Vehicle Registration for vehicle license number [redacted]

C Computer Generated Street Map of Incident Scene.

D One (1) DVD Containing 27 Second Recovered Scene Video from CCTV CAM 2 – Video 10 of Shooting incident and Homicide Bureau "Zoomed In" video of Incident. One video showing unidentified male adult witness walking toward traffic stop.

E One (1) Compact Disc (CD-R) Containing Sheriff's Communication Center Certified Copy of All Associated Radio Traffic.

F Photographed Copies of Photos of Suspect Gun in the Street.

G The Justice System Integrity Division of the Los Angeles County District Attorney's Office, Lett of Opinion; dated

H One (1) DVD Containing Photos of Suspect Rea Autopsy Examination

I Photographed Copies of Photographs of Involved Deputy Savaadra's Injuries

J Three (3) DVD's Containing Homicide Bureau Recovered CCTV Video Surveillance from [redacted] S. Gerhart Avenue (CAM-1, CAM-2, CAM-3)

K One Photographed Copy of Homicide Bureau Photo of CCTV Video Surveillance Time Stamp 11 Minute Discrepancy.

L FIS Gloria Aldaba (Hanna) of Scientific Services Bureau Supplemental Report

M One (1) SANDISK Flash Drive Containing Case Information from Homicide Bureau.

N One (1) DVD Containing Scene Photos

O FIS Gloria Aldaba (Hanna) of Scientific Services Bureau Scene Sketches.

P Email from Attorney Adolfo Casillas Declining to interview with IAB for his Client, Witness [redacted]

MISCELLANEOUS DOCUMENTS

In-services for East Los Angeles Station PM shift dated June 27, 2019, and EM shift dated June 28, 2019.

East Los Angeles Station Unit 23A PM Deputy Daily Worksheet and Unit History Report, dated June 27, 2019.

Los Angeles County Sheriff's Department Booking Package for Witness [redacted] # [redacted], dated June 28, 2019.

Copy of Suspect Paul Rea's DMV and Consolidated Criminal History

Deputy Hector Saavedra's Quarterly Weapon Qualification Scores and Training Records (Including POST)

Eight (8) Signed Administrative Rights, Force/Shooting Forms



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOSEPH P. ESPOSITO • Chief Deputy District Attorney
VICTORIA L. ADAMS • Assistant District Attorney

JAMES GARRISON • Director

May 12, 2020

Captain Kent Wegener
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Paul Rea
J.S.I.D. File #19-0288
L.A.S.D. File #019-09054-0285-013

Dear Captain Wegener:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 27, 2019, fatal shooting of Paul Rea by a member of the Los Angeles County Sheriff's Department. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Hector Saavedra, #[redacted]

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MEMORANDUM

TO: CAPTAIN KENT WEGENER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Paul Rea
J.S.I.D. File #19-0288
L.A.S.D. File #019-09054-0285-013

DATE: May 12, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 27, 2019, fatal shooting of Paul Rea by Los Angeles County Sheriff's Department (LASD) Deputy Hector Saavedra. We have concluded Deputy Saavedra acted lawfully in self-defense.

The District Attorney's Command Center was notified of the shooting at approximately 12:16 a.m. on June 28, 2019. The District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, surveillance video footage, transcripts of interviews, firearm analysis reports, coroner's reports, photographs and witness statements submitted to this office by LASD Homicide Bureau Detective Sergeant Marvin Jaramillo. Deputy Saavedra's voluntary statement was considered as part of this analysis.

FACTUAL ANALYSIS

On June 27, 2019 at approximately 11:00 p.m., LASD Deputies Hector Saavedra and Argelia Huerta were working uniformed patrol in a marked police vehicle. They observed a black sedan fail to stop at a stop sign at Gerhart Avenue in East Los Angeles. They ran the vehicle's license plate number in their MDC and discovered the sedan was registered as an Audi, yet lacked any identifying insignia.[1] Based on that perceived discrepancy and the observed moving violation, the deputies initiated a traffic stop of the vehicle on Gerhart Avenue in East Los Angeles. The driver was identified as [redacted] and the sole passenger was Paul Rea.

[1] The car was later confirmed to be an Audi.

Statement of Deputy Huerta

Huerta approached the driver's side of the sedan and made contact with [redacted] [redacted] appeared nervous. His eyes were glossy and red, he was sweating profusely, and he was evasive in answering Huerta's questions. Huerta suspected [redacted] was driving under the influence of marijuana, and asked him to step outside the vehicle and towards her patrol car so that she could administer field sobriety tests. Once at the patrol vehicle, [redacted] told Huerta he was in possession of marijuana and had smoked marijuana a few hours beforehand. Huerta patted [redacted] down and recovered a small canister of marijuana. She then placed [redacted] in the back of the patrol car without incident.

At this time, Huerta observed Saavedra speaking to Rea on the passenger side of [redacted] vehicle. Saavedra instructed Rea to exit the car. Rea cooperated and Saavedra escorted Rea to the hood of the patrol car. Saavedra held both of Rea's hands behind his back as he checked Rea's waistband. At this time, Rea broke free from Saavedra's grasp, turned toward Saavedra, and punched him on the left side of his face. Rea attempted to punch Saavedra a second time, but Huerta could not see whether Rea made contact. Rea began running from Saavedra. Saavedra lunged at Rea and attempted to grab him from behind, but could not maintain a firm hold on him. Huerta then heard three to four shots followed by Saavedra yelling, "He's got a gun! He's got a gun!"

Huerta never saw Saavedra draw his weapon but observed the muzzle flash from Saavedra's gun.

Statement of Deputy Saavedra

Saavedra approached the vehicle from the passenger side and noticed the smell of burnt marijuana emanating from the car. He made contact with Rea and began speaking to him while his partner questioned [redacted]. Based on the smell of marijuana, Saavedra asked Rea whether the men were in possession of marijuana. Rea stated he and [redacted] had just left a marijuana dispensary and had smoked some of the marijuana they had purchased. Saavedra became concerned because Rea was delayed in his response to basic questions and also repeatedly looked around in all directions.

As Huerta asked [redacted] to step out of the car, Saavedra advised Rea to stay seated in the sedan. Saavedra observed that Rea could not remain still, repeatedly tried to remove his seat belt, and kept attempting to turn his cell phone on and off. Rea reached into the vehicle's glove compartment multiple times and offered to provide Saavedra with the car's registration, despite the fact that Saavedra told him to relax and keep his hands visible.

Once Huerta had [redacted] detained in the patrol car, Saavedra asked Rea to remove his seatbelt and exit the sedan. Rea complied, at which time Saavedra briefly patted him down and did not feel any weapons. Saavedra escorted Rea to the patrol car and asked him whether he had any weapons on him. Rea repeatedly assured Saavedra he did not have any weapons. Saavedra conducted a secondary pat down search, using his right hand to sweep Rea's waistband. Without warning, Rea swung his body and pulled away from Saavedra's grip. Rea then turned around and punched Saavedra "very hard" on the left side of Saavedra's temple. The impact caused Saavedra's knees to buckle. He felt his neck crack and heard ringing in his left ear. Saavedra's vision blurred and he blacked out for an instant.

Saavedra regained his vision and attempted to orientate himself. He believes Rea punched him again, but could not recall where that punch landed. Saavedra remembers attempting to punch Rea but was unable to do so. Saavedra then grabbed onto Rea from behind in a "bear hug" position, at which time Saavedra felt the handle of a gun in Rea's waistband.

Saavedra attempted to grab hold of Rea's weapon, which he believed Rea was struggling to pull out from his waistband. Rea looked at Saavedra in a manner that Saavedra interpreted as Rea intending to kill him. In fear for his own and his partner's safety, Saavedra drew his duty weapon and shot Rea three to four times. Rea immediately fell to the ground. Saavedra indicated Rea never pulled the gun out at any point, nor did he point it in Saavedra's direction. Saavedra was therefore unable to describe what the gun looked like.

Saavedra was transported to the hospital where he was later diagnosed with a concussion and a shoulder injury.

Statement of [redacted]

Deputy Huerta made contact with [redacted] at his driver's side window. [redacted] stated Huerta opened the door, pointed a gun at his face, and told [redacted] to place his hands on his steering wheel or she would "blow his head off." Huerta repeatedly demanded [redacted] exit his vehicle so she could search the car. [redacted] asked Huerta what he had done wrong and questioned why he was being ordered out of the car. Huerta once again threatened to shoot [redacted] if he did not comply.[2] [redacted] exited the car and Huerta placed him in the back of the patrol car.

As he was seated in the back of the patrol car, [redacted] saw Saavedra escort Rea from the passenger seat of the sedan and walk him toward the trunk area. As Saavedra began searching Rea, Rea broke loose and began running. Rea ran approximately two steps before Saavedra grabbed him from behind. Rea took another one to two steps and Saavedra shot Rea three times. [redacted] denied knowing Rea was in possession of a gun.

Additional Witnesses

None of the individuals interviewed witnessed the interaction between Rea and Saavedra that immediately preceded the shooting. Several stated they heard gunshots, then observed deputies with their guns drawn and pointed toward Rea, who was on the ground. [redacted] stated he was walking in the area and observed the traffic stop in progress. He later looked up and saw Saavedra shooting at Rea three to four times. In fear, [redacted] ran from the scene to his residence. He did not elaborate to investigators what the distance was between Saavedra and Rea, nor whether they were facing each other when the shooting occurred.

Additional Evidence

Additional LASD personnel began responding to the scene subsequent to the shooting. Deputy Santos observed Rea lying on the ground and began giving him verbal commands to show his

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[2] Huerta was questioned regarding these allegations. She denied pointing a weapon at [redacted] or making any verbal threats.

hands. Rea was non-responsive, which prompted Santos to formulate a tactical plan to handcuff and secure Rea. Once Rea was handcuffed, deputies rolled him onto his stomach. Deputy Chung conducted a pat down search of Rea and recovered a Glock compact .40 caliber pistol from Rea's exterior right lower pant leg.



Pistol recovered from Rea.

Chung began performing chest compressions on Rea, but he remained non-responsive. Los Angeles County Fire Department (LAFD) personnel arrived on scene and continued lifesaving measures. Rea was transported to Los Angeles County University of Southern California Medical Center by LAFD personnel and was pronounced deceased at 11:34 p.m. Deputy Medical Examiner Doctor Timothy Dutra performed an autopsy on July 4, 2019. He determined Rea's cause of death to be a gunshot wound to the neck.[3] In addition, Rea sustained a gunshot wound to his left forearm, right forearm, and right thigh. A subsequent toxicology test revealed Rea had THC in his blood at the time of his death.

Investigators recovered four casings and one bullet fragment from the location. Those items were later determined to have been fired from Saavedra's service weapon, a 9mm Smith & Wesson semiautomatic pistol.

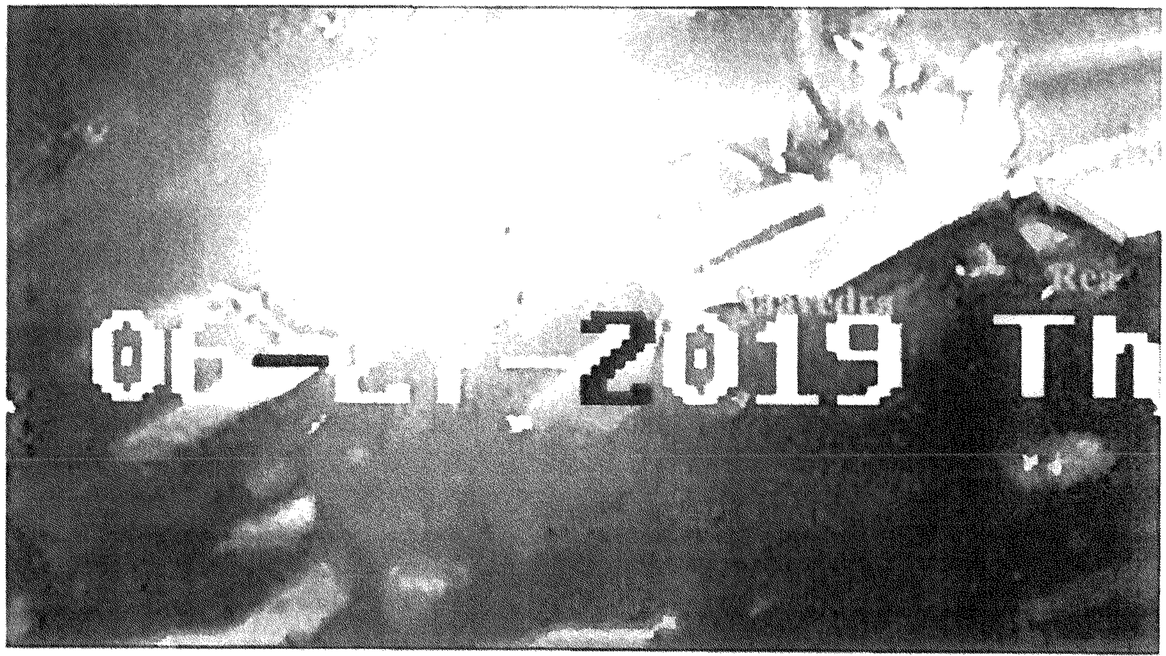
[3] Dr. Dutra described the track of the fatal wound as "downward, leftward and slightly forward."

Investigators obtained surveillance video from a home security system located approximately [redacted] feet from where the shooting occurred.[4] Due to the camera's distance and angle, nighttime visibility, and glare from the patrol car's lights, the images in the video are of poor quality. Additionally, the position of [redacted] car obscures the interaction between Saavedra and Rea in the moments before Rea broke free from Saavedra. As such, the video does not depict a struggle between Saavedra and Rea, nor does it show Rea punching Saavedra. The video depicts Rea breaking free from Saavedra and beginning to run. Saavedra grabs hold of Rea from behind with his left hand as Rea continues running and attempting to jerk free of Saavedra's grasp. Lastly, the video depicts a muzzle flash emanating from Saavedra's gun, followed by Rea dropping to the ground.

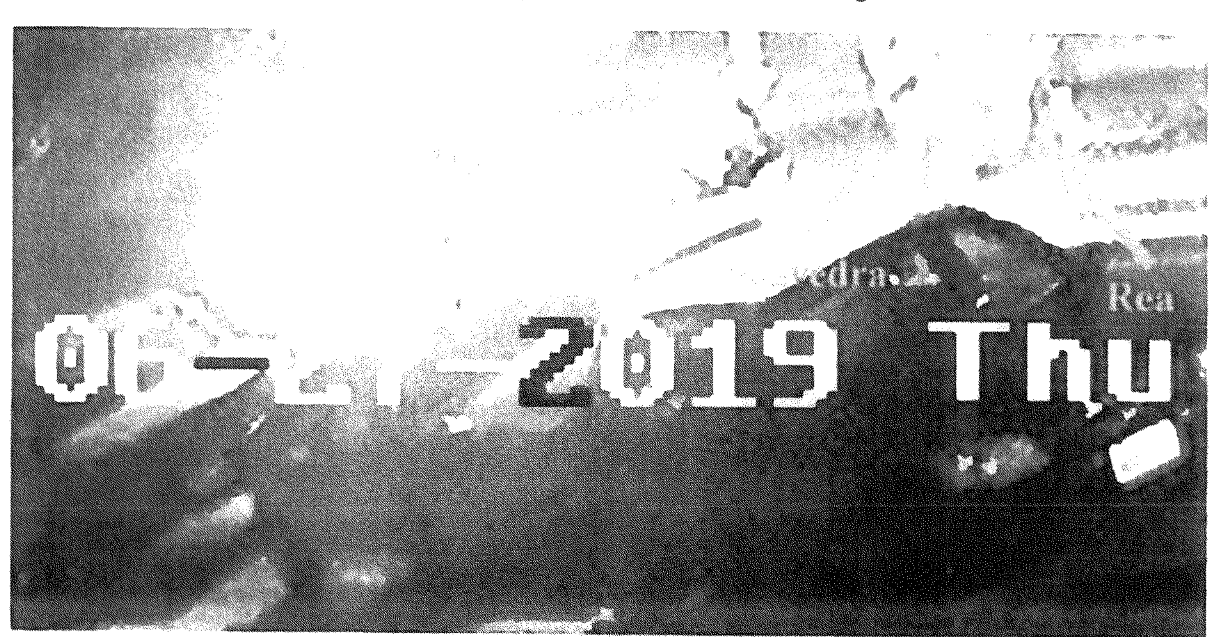


View of the scene in the moments before Rea fled from Saavedra.

[4] The video depicts a man walking toward the traffic stop and watching the interaction, including the shooting. Investigators have made multiple and varied attempts to identify this individual but have been unsuccessful.



Saavedra grabbing Rea from behind as Rea is fleeing.



Muzzle flash emanating from Saavedra's gun.



Rea on the ground after shots were fired.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also,* CALCRIM No. 505.

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code section 835a. An officer "may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him." *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146. A killing of a suspect by a law enforcement officer is lawful if it was: (1) committed while performing a legal duty; (2) the killing was necessary to accomplish that duty; and (3) the officer had probable cause to believe that (a) the decedent posed a threat of serious physical harm to the officer or others, or (b) that the decedent had committed a forcible and atrocious crime. CALCRIM No. 507, Penal Code section 196. A forcible and atrocious crime is one which threatens death or serious bodily harm. *Kortum v. Alkire* (1977) 69 Cal.App.3d 325, 333.

An officer has "probable cause" in this context when he knows facts which would "persuade someone of reasonable caution that the other person is going to cause serious physical harm to another." CALCRIM No. 507. When acting under Penal Code section 196, the officer may use only so much force as a reasonable person would find necessary under the circumstances. *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1147. And he may only resort to deadly force when the resistance of the person being taken into custody "appears to the officer likely to inflict great bodily injury on himself or those acting with him." *Id.* at 1146; *quoting People v. Bond*

(1910) 13 Cal.App. 175, 189-190. The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

In the instant matter, Rea punched Saavedra in the temple with such force that Saavedra sustained a concussion. As Rea fled from Saavedra, he reached into his waistband for a gun. In response, and reasonably in fear for his life, Saavedra shot Rea. Saavedra's use of deadly force was reasonable under the circumstances.

CONCLUSION

We find that Deputy Saavedra acted lawfully in self-defense when he used deadly force against Paul Rea. We are closing our file and will take no further action in this matter.